

LUZERNE COUNTY
OFFICE OF LAW
ROMILDA P. CROCAMO, ESQUIRE
CHIEF COUNTY SOLICITOR



LUZERNE COUNTY
COUNTY MANAGER
C. DAVID PEDRI, ESQUIRE

COUNTY of LUZERNE
PENNSYLVANIA
ESTABLISHED 1786

March 15, 2018

Diane Weaver
722 East County Road
Wapwallopen, PA 18660
Email: None
RTK Request #18-47

Dear Ms. Weaver:

Thank you for writing to Luzerne County with your request for information pursuant to the Pennsylvania Right-To-Know law. My email is Jackie.Carroll@luzernecounty.org.

On March 9, 2018, the Luzerne County Office of Law received a request for documents from you described in the attached Right to Know request. We requested an extension of time to reply to April 12, 2018.

Your request is granted and denied for the following reasons pursuant to the Pennsylvania Right to Know Law ("RTKL"): Your request is granted in that you are being provided with the map that you have requested is attached.

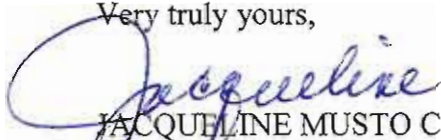
The remainder of your request is denied in that Section 705 of the Right to Know Law states that "when responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record."

Your request is also denied in that the Pennsylvania Right to Know Law governs the release of public records and not answering questions. The Law defines a public record as "information, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and in data – processed or image – processed document." Section 101 of the RTKL.

You have a right to appeal this denial of information in writing to Office of Open Records, Commonwealth Keystone building, 400 North Street, 4th Floor, Harrisburg, PA 17120.

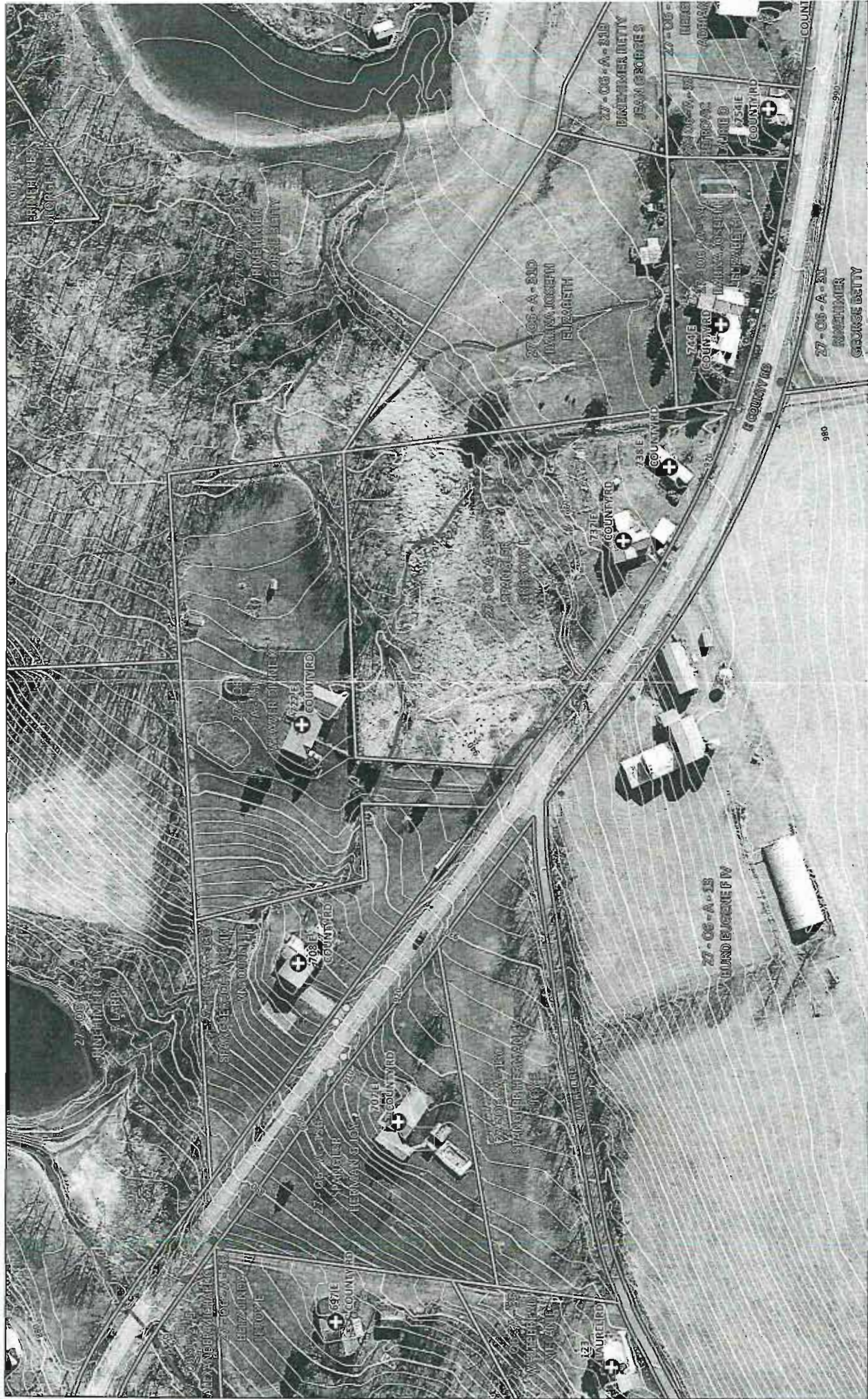
If you choose to file an appeal for any reason, you must do so within 15 business days of the mailing date of the agency's response. Section 1101. If you have further questions, please contact me. Please be advised this correspondence will serve to close this request with our office as permitted by law.

Very truly yours,

A handwritten signature in blue ink that reads "Jacqueline". The signature is written in a cursive style with a large, looping initial "J".

JACQUELINE MUSTO CARROLL, ESQUIRE
Luzerne County – Open Records Officer
200 North River Street
Wilkes-Barre, PA 18711

LUZERNE COUNTY GIS/MAPPING



LUZERNE COUNTY
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LUZERNE COUNTY
COUNTY MANAGER
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COUNTY of LUZERNE
PENNSYLVANIA
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Right-To-Know Response Form

Date: March 12, 2018
Date Request Received: March 9, 2018
Five Business Day Response Date: March 13, 2018
RTK Request #18-47

Diane Weaver
722 East County Road
Wapwallopen, PA 18660
Email: None

Thank you for writing to Luzerne County with your requests for information pursuant to the Pennsylvania Right-To-Know Law.

Your requests for information have been received and are under review. The Pennsylvania Right-To-Know Law requires a response within five (5) business days; however, we require a thirty (30) day extension for the following reason(s):

- (1) the request for access requires redaction of a record in accordance with section 706;
- (2) the request for access requires the retrieval of a record stored in a remote location;
- (3) a timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;
- (4) a legal review is necessary to determine whether the record is a record subject to access under this act;
- (5) the requester has not complied with the agency's policies regarding access to records;
- (6) the requester refuses to pay applicable fees authorized by this act; or
- (7) the extent or nature of the request precludes a response within the required time period.

Page Two

You should expect a response to your requests no later than April 12, 2018

Very truly yours,

A handwritten signature in cursive script that reads "Jacqueline Musto Carroll". The signature is written in black ink and is positioned above the typed name.

JACQUELINE MUSTO CARROLL, ESQUIRE
Luzerne County – Open Records Officer
200 North River Street
Wilkes-Barre, PA 18711

OFFICIAL USE ONLY

18-47

 RTK REQUEST NUMBER DATE RECEIVED 5 DAY RESPONSE DATE

** This map WE EXISTS SAW IT!*



COUNTY OF LUZERNE

*Att: Jackie Musto Carol
 8 pages total
 faxed 3/8/18*

RIGHT TO KNOW LAW REQUEST FORM

NAME OF REQUESTER: WEAVER DIANE K
 (PLEASE PRINT CLEARLY) LAST FIRST MI

MAILING ADDRESS: 722 EAST COUNTY ROAD
 STREET / P.O. BOX

*Please call
 * work
 * home*

WAPWALLOPEN PA 18660
 CITY STATE ZIP CODE

PHONE # 570-379-1030 FAX# N/A

EMAIL ADDRESS: N/A

SIGNATURE: Diane K. Weaver DATE: 3/4/2018

RECORDS REQUESTED - Requesters MUST specify the document(s) sought. Please use additional pages if necessary.
 Requesting topographical map of roadside county drains with corresponding above ground and below ground culvert system/collection tank (white octagon), to include the 4 blue lined tributaries on south side of E. County Road with corresponding underground/under road culverts/road drains (above and below ground) which all have directional discharge of water from south side of E County Rd to north side of E. County Rd. continued next page 2...

Page 1 of 6 cont.

PLEASE CHECK ONE OF THE FOLLOWING:
 I AM ONLY REQUESTING ACCESS TO THE DOCUMENT(S)
 I AM REQUESTING A HARD COPY OF THE DOCUMENT(S) (PAPER, CD, etc...)
 I AM REQUESTING AN E-FILE OF THE DOCUMENT(S) (IF AVAILABLE) (PDF, EXCEL SPRDSHT, etc...)

PLEASE NOTE: LUZERNE COUNTY IS NOT REQUIRED TO CREATE A RECORD WHICH DOES NOT CURRENTLY EXIST OR TO COMPILE, MAINTAIN, FORMAT OR ORGANIZE A RECORD IN A MANNER IN WHICH THE AGENCY DOES NOT CURRENTLY COMPILE, MAINTAIN, FORMAT OR ORGANIZE THE RECORD

RTK REQUEST NUMBER

DATE RECEIVED

5 DAY RESPONSE DATE



COUNTY OF LUZERNE

RIGHT TO KNOW LAW REQUEST FORM

NAME OF REQUESTER: WEAVER DIANE K
(PLEASE PRINT CLEARLY) LAST FIRST MI

MAILING ADDRESS: 722 EAST COUNTY ROAD
STREET / P.O. BOX
WAPWALLOPEN PA 18660
CITY STATE ZIP CODE

PHONE # 570-379-1030 FAX# N/A

EMAIL ADDRESS: N/A

SIGNATURE: Diane K. Weaver DATE: 3/4/2018

RECORDS REQUESTED - Requesters MUST specify the document(s) sought. Please use additional pages if necessary.
Page 2 continued...this map surpassed the Creek Rd Intersection and continued downhill to pass my above mailing address. The underground collection tank by Lutheran church (white) had 4 color coded drains around white octagon; and they are all underground. No above ground drains on either side were noted but one can hear the sound of rushing water from under the ground. The 4 tributaries on map were blue colored and flowing from south.. pg 3 continued

Page 2 of 6

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COUNTY OF LUZERNE

RIGHT TO KNOW LAW REQUEST FORM

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STREET / P.O. BOX

WAPWALLOPEN PA 18660
CITY STATE ZIP CODE

PHONE # 570-379-1030 FAX# N/A

EMAIL ADDRESS: N/A

SIGNATURE: *Diane K. Weaver* DATE: *3/4/2018*

RECORDS REQUESTED - Requesters MUST specify the document(s) sought. Please use additional pages if necessary.

Page 3 cont... side of road to corresponding Luzerne county drains. Above ground drains had additional white approx. 6+ inch PVC pipes from multiple angles also draining water from south side road/land. PE Daniel J Wilusz was contracted by Luzerne County and showed us this map. All drains/culverts were color coded ie. red, green, blue and white. South side of E County Road drainage waters have underground/road diagonal culverts for discharge to...4 cont---

Page 3 of 6

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Page 4 cont...north side of E County Rd. This water management goes through several residential properties and all water is directed to: my land, through my private culvert to go about 1.5 acres more to discharge to another creek. The road culvert that Larry Plesh said was feeding my property is on Kingsbury Rd adjacent to Lutheran Cemetery. Water flows can be seen above ground on north side also. I'm requesting how this was calculated as an 88...pg 5 cont.

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page 4 of 6

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COUNTY OF LUZERNE

RIGHT TO KNOW LAW REQUEST FORM

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PHONE # 570-379-1030 FAX# N/A

EMAIL ADDRESS: N/A

SIGNATURE: Diane K. Weaver DATE: 3/4/2018

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 Page 5 cont...acre feed by Barry Isett/D. Wilusz? What evaluations of roadway water testing was done and what are all test results? Did anyone evaluate the DEP water tests from Big Wapwallopen Creek when they devised those 4 tributaries to be sent to homeowners land? If so, results requested. Once the 3/2017 snowfall melted I found out that the terminating drain by cow ACA pen was draining fecal excrement to within 20 feet from my well; I asked...6 cont,

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page 5 of 6

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SIGNATURE: Diane K Weaver DATE: 3/4/2018

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Page 6 cont...Ed O'Neill (8/2017) at my home, to please redirect that drain to around the swale (which was where L. Plesh said it was going) or any other way to stop fecal excrement from being within 20 feet from my well. Why was I told No? This drain bypasses DEP footage distance requirements and is in direct violation of Clean Water Act. I have a right to know why this elaborate drainage system is not being changed to protect the health of your taxpayers!!!!

* Where are the impact studies from DEP/EPH
PLEASE CHECK ONE OF THE FOLLOWING: USGS - ? Anyone !? page 6 of 6

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